

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

SECURITIES AND EXCHANGE COMMISSION,	)	
	)	
	)	
Plaintiff,	)	
v.	)	
	)	
BANK OF AMERICA, N.A., BANC OF	)	Civil Action No. 3:13-cv-447
AMERICA MORTGAGE SECURITIES, INC.,	)	Hon. Max Cogburn, Jr.
and MERRILL LYNCH, PIERCE, FENNER &	)	
SMITH, INC. f/k/a BANC OF AMERICA	)	
SECURITIES LLC,	)	
	)	
Defendants.	)	
	)	

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**DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT FOR  
INJUNCTIVE AND OTHER RELIEF**

Defendants Bank of America, N.A. ("BANA"), Banc of America Mortgage Securities, Inc. ("BOAMS"), and Merrill Lynch, Pierce, Fenner & Smith, Inc. f/k/a/ Banc of America Securities LLC ("BAS") (collectively, the "Bank" or "Defendants"), by and through their undersigned attorneys and pursuant to Federal Rule of Civil Procedure 12(b)(6), move to dismiss the Complaint filed against them by the Securities and Exchange Commission ("Plaintiff") for failure to state a claim upon which relief can be granted. The grounds for this Motion are more fully set forth in the accompanying Memorandum of Law, which is incorporated herein by reference.

WHEREFORE, Defendants respectfully request that the Court grant this Motion and dismiss Plaintiff's Complaint with prejudice and grant such other and further relief as justice may require.

Dated: November 8, 2013

Respectfully submitted,

/s/ Kenneth D. Bell

McGUIRE WOODS LLP

Kenneth D. Bell (N.C. Bar No. 10800)  
201 North Tryon Street, Suite 3900  
Charlotte, North Carolina 28202  
(704) 373-8999 (tel)  
KBell@McGuireWoods.com

REED SMITH LLP

Amy J. Greer (*pro hac vice* pending)  
Terence M. Healy (DC office)  
(*pro hac vice* pending)  
599 Lexington Avenue 22nd Floor  
New York, New York 10022  
(212) 521-5400 (tel)  
AGreer@ReedSmith.com  
THealy@ReedSmith.com

SKADDEN ARPS SLATE MEAGHER  
& FLOM LLP

John K. Carroll (*pro hac vice* pending)  
Boris Bershteyn (*pro hac vice* pending)  
Four Times Square  
New York, New York 10036  
(212) 735-3000 (tel)  
John.Carroll@Skadden.com  
Boris.Bershteyn@Skadden.com

Charles F. Smith (*pro hac vice* pending)  
Amy L. Van Gelder (*pro hac vice* pending)  
155 North Wacker Drive, Suite 2700  
Chicago, Illinois 60606  
(312) 407-0700 (tel)  
Charles.Smith@Skadden.com  
Amy.VanGelder@Skadden.com

*Counsel to Defendants Bank of America, N.A.,  
Banc of America Mortgage Securities, Inc., and Merrill Lynch, Pierce,  
Fenner & Smith, Inc. f/k/a Banc of America Securities, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 8, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

M. Graham Loomis, Esq.  
Mark Eric Harrison, Esq.  
U.S. Securities and Exchange Commission  
950 East Paces Ferry Road, N.E., Suite 900  
Atlanta, GA 30062  
loomism@sec.gov  
harrisonm@sec.gov

Kristin Beth Wilhelm, Esq.  
U.S. Securities & Exchange Commission  
3475 Lenox Road, N.E., Suite 500  
Atlanta, GA 30326-1232  
wilhelmk@sec.gov

This the 8<sup>th</sup> day of November, 2013.

/s/ Kenneth D. Bell

Kenneth D. Bell  
N.C. State Bar Number 10800